

Filed 4/30/09 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2009 ND 63

State of North Dakota,

Plaintiff and Appellee

v.

Kenneth Mitchell,

Defendant and Appellant

No. 20080274

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bruce B. Haskell, Judge.

AFFIRMED.

Per Curiam.

Pamela A. Nesvig, Courthouse, P.O. Box 5518, Bismarck, ND 58506-5518, for plaintiff and appellee. Submitted on brief.

Susan Schmidt, 400 East Broadway Ave., Ste. 27, Bismarck, ND 58501, for defendant and appellant. Submitted on brief.

State v. Mitchell

No. 20080274

Per Curiam.

[¶1] Kenneth Mitchell appeals a trial court sentencing order entered after a jury found him guilty of assault — domestic violence, second offense, in violation of N.D.C.C. § 12.1-17-01.1(1). On appeal, Mitchell asserts sufficient evidence was not presented to the trial court to support the guilty verdict. We affirm under N.D.R.App.P. 35.1(a)(3).

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom